



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07169-98
17 April 2000

CDR S [REDACTED] USN RET
[REDACTED]

Dear Commander [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 April 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 26 April 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. You provide documentation indicating that you furnished what you considered complete input to your supervisor for use in your contested original fitness report. The Board found the reporting senior's failure to mention expressly all the items you listed does not establish that he did not take due account of these items in marking you. Finally, they noted your current naval record does include the supplemental report that mentions the items the reporting senior now indicates he wants your fitness report to reflect. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

7169-98
1610
NPC-311
26 April 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: NPC/BCNR Coordinator (NPC-00XCB)

Subj: CDR S [REDACTED] USN [REDACTED]

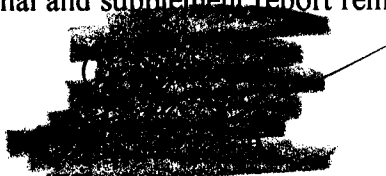
Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his fitness report for the period 1 September 1995 to 15 July 1996 and replace it with a supplemental report for the same period.
2. Based on our review of the material provided, we find the following:
 - a. A review of the member's headquarters record revealed both the original and supplemental reports to be on file. Both reports are signed by the member acknowledging the contents of each report and the member's right to submit a statement. The member did not desire to submit a statement.
 - b. The supplemental report changes four performance trait marks, and rewrites block-41, comments on performance. The member's promotion recommendation is the same on both reports.
 - c. The supplemental report was submitted in accordance with reference (a), Annex P, paragraph P-4.b. Submission of the supplemental report was at the discretion of the reporting senior stating facts that were not known to him at the time of submission of the original report.
 - d. Although the member perceives the fitness report to be career damaging, is not sufficient reason for its removal.
 - e. The fact that the supplemental fitness report is a better report should have no bearing on whether the original is retained or removed. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the revised report for the original report should only be accomplished when the member demonstrates that retention of the original report would constitute an error or injustice. Nothing provided in the petition or in

the forwarding letter for the revised report explains why or how the revision more accurately reflects the member's performance or that the original report was unjust or in error.

3. We recommend both the original and supplement report remain in the member's record.


[Redacted Signature]
[Redacted Title]
Evaluation Branch